IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 14540 of 2007(E)

PETITIONER:

SADIK M.K., ALANA PARAMBIL HOUSE,
KARIPPAI ROAD, KALAMASSERY, ERNAKULAM.

BY ADV. SMT.SHAMEENA SALAHUDHEEN

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT, MOTOR VEHICLE DEPARTMENT, THIRUVANANTHAPURAM.

2. **THE DEPUTY TRANSPORT COMMISSIONER**
   OFFICE OF THE DTC., KAKKANAD, KOCHI.

3. **THE REGIONAL TRANSPORT OFFICER,ERNAKULAM**

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

W.P.(C) NO.14540/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CERTIFICATE OF REGISTRATION.

EXT.P2:- COPY OF THE TAX LICENCE.

EXT.P3:- COPY OF THE FITNESS CERTIFICATE.

EXT.P4:- COPY OF THE REUEST FOR ALTERNATION DT. 2.4.07.

EXT.P5:- COPY OF THE REJECTING ORDER VIDE NO.C14/47817/07 DT. 16.4.07.

EXT.P6:- COPY OF THE REQUEST TO DEPUTY TRANSPORT COMMISSIONERDT. 3.5.07.

/TRUE COPY/

P.A. TO JUDGE

tss

ANTONY DOMINIC,J.

W.P (C) No. 14540 of 2007

Dated this the 9th October, 2007

J U D G M E N T

Petitioner is the registered owner of a Tata make vehicle bearing No. KL.07 BF 725. Petitioner submitted Exhibit-P4 application before the 3rd respondent for conversion of the same by building a body for making it convenient for transportation of goods. That application was considered by the 3rd respondent and was rejected by Exhibit-P5. The only reason stated in Exhibit-P5 is that such conversion cannot be permitted in view of Section 52 of the Motor Vehicles Act, which provides that owner shall not alter the vehicle so that the particulars contained in the certificate of registration are at variance with those originally specified by the manufactures. Petitioner submits that apart from building a body on the back side of the vehicle, petitioner is not making any conversion as such to make it different from the specifications of the manufacturer. Petitioner has also made reference to a judgment of this Court in W.P. (C) No.2788 of 2007, where this Court quashed an order similar to Exhibit-P5 herein on the ground that by the conversion sought only the body of the vehicle is modified and

not the chassis. For that purpose, this Court had also followed an earlier judgment rendered in identical circumstances. On going through this matter, I am satisfied that the case of the petitioner is similar to one dealt with in W.P. (C) No.2788 of 2007 and the petitioner is also entitled to similar reliefs.

Accordingly, Exhibit-P5 will stand quashed and respondents are directed to allow conversion sought for by the petitioner. But, the vehicle shall be operated only after getting the fitness certificate from the competent authority and tax if any, also will be liable to be paid.

The writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007